

REMARKS

The Office Action mailed April 15, 2003 has been reviewed and carefully considered. Claim 44 has been added. Claims 1 to 44 are pending in this application. Of these, claims 1, 9, 15, 21, 26, 30, 35 and 42 are the independent claims. Claims 1, 3, 4, 15, 21, 23, 26, 27, 30, 35, 36 and 42 have been amended. Independent claim 9 has not been amended.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Rejections Under 35 U.S.C. 103(a)

Claims 1, 3-9, 11-15, 18-23, 25-28, 30-34 and 42 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,157,815 to Collins et al. ("Collins") in view of U.S. Patent No. 6,021,433 to Payne et. al. ("Payne"). Although the body of the detailed action recites that the rejection is applied to claims 1, 3 to 9, 11 to 16, 18 to 24 and 26 to 43, the detailed action as a whole suggests that the former series of claims was intended for this basis of the rejection, and such will be assumed henceforth.

Claim 9 recites "A data receiving apparatus . . . comprising . . . a control section for distinctively determining storage regions of the decoded short message service blocks according to a result of analyzing the data transmission headers."

The second paragraph of page 4 of the Office Action states that "Collins teaches a data receiving apparatus . . . (see abstract, col. 2, lines 15-20 and col. 4, lines 8-11). The citations to Collins suggest that subscriber stations 12, 14, 16, operating under

CDMA communication format (col. 4, lines 13-14), are deemed to correspond to “a data receiving apparatus.”

Later in that same paragraph, the Office Action concedes that “Collins does not teach distinctively determining storage regions of data according to a result of analyzing data transmission headers, or a data decoding section.”

Continuing in the same paragraph, the Office Action states “Payne teaches distinctively determining storage regions of data according to a result of analyzing data transmission headers (col. 13, lines 38-40 & 60-64). These citations refer to the central broadcast server 34 either transmitting data immediately or storing the data for later transmission.

How these operations of the central broadcast server 34 apply to a Collins CDMA subscriber station, however, is not explained in the Office Action.

Lines 38-40 and 60-64 or col. 13 refer to operations of the central broadcast server 34 (col. 13, lines 1, 53 and 65), and the central broadcast server 34 is not, and cannot be characterized as, a component of a CDMA subscriber station.

Even if this central server function were deemed disclosed for a CDMA subscriber station, a central broadcast server 34 transmitting some information immediately and holding other information for subsequent transmission does not amount to a disclosure of “distinctively determining storage regions of the decoded short message service blocks according to a result of analyzing the data transmission headers.” For example, where is the disclosure that determining of storage regions occurs after the decoding? Also, what storage regions?

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) MPEP 2143.03.

The proposed combination fails to disclose or suggest recites “A data receiving apparatus . . . comprising . . . a control section for distinctively determining storage regions of the decoded short message service blocks according to a result of analyzing the data transmission headers” as explicitly required by the language of claim 9. Claim 9 is believed to be patentable over the applied references for at least all of the above reasons.

Reconsideration and withdrawal of the rejection is respectfully requested.

As to base claim 1, it has been amended by adding a limitation from dependent claim 4, which in turn has been amended by deleting that limitation.

Referring to the generated inherent distinction data transmission headers, claim 1 as amended recites “said headers having a field for distinction of a kind of transmitted data.”

The second full paragraph on page 3 of the Office Action, in referring to this limitation of claim 4, cites (col. 11, lines 36-39 and lines 48-50).

Lines 41-50 of column 11 read “The data block is broken down into messages and messages are broken into packets. . . Some packets will also carry the total number of packets belonging to the message. Each packet header includes the following: packet type (4 bits), total packets included (1 bit), message identifier (11 bits) and packet

sequence number (1 byte).” There is no reference to “distinction of a kind of transmitted data.”

Collins fails to disclose “said headers having a field for distinction of a kind of transmitted data.” Claim 1, which now incorporates this limitation from claim 4, is believed to be patentable over the applied references for at least this reason.

Base claim 21 has likewise been amended to include this limitation from dependent claim 23, and is therefore deemed to be patentable for the same reason.

Base claim 26 has likewise been amended to include this limitation from dependent claim 27, and is therefore deemed to be patentable.

As to base claim 15, it has been amended to incorporate former dependent claim 16, and therefore now recites “(5) comparing an amount of the encoded data with that of the readout data; and (6) selecting the data having a lesser amount of data as the result of comparison, and forming the selected data and the generated data transmission header into the user data of the short message service.”

The first paragraph on page 11 of the Office Action cites “col. 4, lines 50-60 and col. 6, lines 31-37” of U.S. Patent No. 6,400,942 to Hansson et al. (“Hansson”), but the cited passages have nothing to do with a comparison and resulting selection of data. None of the references of record, alone or in combination, disclose claim 15 as now amended.

Claim 15, as now amended to incorporate former claim 16, is therefore believed to be patentable over the applied references for at least this reason.

As to claim 30, it has been amended to incorporate former dependent claim 31, and therefore now recites “(4) generating and adding to the respective divided blocks a block termination code for indicating a final data of the respective block.”

Pages 6 and 9 of the Office Action cite “col. 22, lines 18-24” in Payne, which merely describe a decision mechanism for whether or not to discard a data block (see FIG. 15). None of the references of record, alone or in combination, disclose claim 30 as amended from former dependent claim 31. Accordingly, claim 30 is believed to be patentable for at least this reason.

As to claim 42, it has been amended to incorporate former dependent claim 43, and therefore now recites “a display section for displaying a state of the short message transmitted and received according to the result of analyzing the detected transmission headers.”

Page 14 of the Office Action cites lines 64-67 of col. 7 of Hannson, which merely describe a mobile station either displaying a received message or storing it for future access by the user. There is no disclosure or suggestion of displaying a state of the short message transmitted and received according to the result of analyzing the detected transmission headers” as explicitly required by the language of claim 42 as amended from claim 43. None of the references of record, alone or in combination, disclose claim 42 as amended from former dependent claim 43. Accordingly, claim 42 is believed to be patentable for at least this reason.

All of the other claims depend from one of these base claims, which have been shown to be patentable, and are deemed to be patentable for at least this reason.

Claims 16, 29, 35-41 and 43 were rejected under 35 U.S.C. 103(a) as unpatentable over Collins in view of Payne and Hannson.

As discussed above in the previous section, claims 16 and 43 are now incorporated into base claims 15 and 42, respectively, and are believed to be patentable.

As to claim 29, it depends from base claim 26. The Hansson reference purports to solve the problem of how to adapt existing point-to-point short message service (SMS) infrastructure to broadcast to a selected group of intended recipients, but cannot make up for the deficiencies in Collins and Payne with respect to base claim 26 and therefore with respect to dependent claim 29.

As to claim 35, it has been amended to recite the same limitation from the dependent claims, namely, “said data header field including a distinction field of a kind of the transmitted data.” As discussed above Collins and Payne, alone or in combination, fail to disclose or suggest this limitation. Hannson likewise fails to disclose or suggest this limitation. Accordingly, claim 35 is deemed to be patentable for at least this reason.

Claims 36-41 depend from base claim 35 and are likewise deemed to be patentable.

Claim 43 has been incorporated into claim 42 and canceled.

Claims 2, 10, 17 and 24 were rejected under 35 U.S.C. 103(a) as unpatentable over Collins in view of Payne and U.S. Patent No. 6,430,409 to Rossmann (“Rossmann”).

These claims depend from base claims 1, 9, 15 and 21, which have all been shown to distinguish patentably over Collins/Payne. Rossmann is directed to architecture

for a two-way interactive data communications network and discusses conventional use of SMS, but cannot make up for the deficiencies in Collins and Payne.

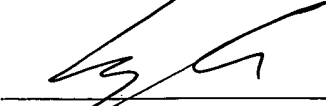
None of the applied references, alone or in combination, render obvious the invention as recited in claims 1 to 43.

New claim 44 depends from claim 1 and has been added to more particularly point out aspects of the invention. Support for new claim 44 is found in the specification (page 17, lines 3-6; page 21, lines 3-5). No new matter has been added.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be affected without the need for a further Office Action.

A check for \$18.00 is enclosed herein to cover one newly added claim. If there are any fees due and owing, please charge Deposit Account No. 502-470.

Respectfully submitted,


By: Steve Cha
Attorney for Applicant
Registration No. 44,069


Date: July 15, 2003

Mail all correspondence to:
Steve S. Cha, Reg. No. 44,069
CHA & REITER
411 Hackensack Ave, 9th floor
Hackensack, NJ 07601
Phone: (201)518-5518
Fax: (201)518-5519

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 on July 15, 2003.

Steve Cha, Reg. No. 44,069
(Name of Registered Representative)

 7/15/03
(Signature and Date)